

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ERIC D. KATZ,

Plaintiff,

v.

HORIZON BLUE CROSS BLUE SHIELD
OF NEW JERSEY

Defendant.

Civil Action No. 07-cv-5847 (PGS)

ORDER

This matter comes before the Court on Defendant Horizon Blue Cross Blue Shield's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) due to preemption by ERISA. The Court has considered the submissions, and for the reasons set forth in the record, and for good cause having been shown,

IT IS on this 13th day of June, 2008,

ORDERED that Defendant's motion to dismiss is granted; it is further

ORDERED that Plaintiff is hereby granted leave to amend his complaint within 20 days of this order.



June 13, 2008

PETER G. SHERIDAN, U.S.D.J.